

REMARKS

The Office Action dated February 25, 2004 has been received and carefully considered. Claims 1-21 have been canceled and claims 22-42 have been added. No new matter is introduced by the addition of claims 22-42. Reconsideration of the outstanding objections and rejections in the present application therefore is respectfully requested based on the following remarks.

Objection to the Drawings

At page 2 of the Office Action, the drawings were objected to as being informal. However, it should be noted that formal drawings were previously submitted on December 14, 2002. A copy of the postcard evidencing receipt of the formal drawings is attached as Appendix A. For the Examiner's convenience, another copy of the formal drawings for Figures 1-5 is attached as Appendix B. It is respectfully submitted that the replacement formal drawings are believed to comply with all applicable requirements. Withdrawal of this objection therefore is respectfully requested. In the event that the Examiner continues to object to the submitted formal drawings, the Applicant respectfully requests that the Examiner more particularly point out the alleged defects in the submitted formal drawings.

Indefinite Rejection of Claim 15

At page 2 of the Office Action, claim 15 was rejected under 35 U.S.C. § 112, second paragraph, as having insufficient antecedent basis. Claim 15 has been canceled, thereby obviating this rejection. Withdrawal of this rejection therefore is respectfully requested.

Anticipation Rejection of Claims 1, 2, 4, 5, 10, 11, 13, 14, 19 and 20

At page 3 of the Office Action, claims 1, 2, 4, 5, 10, 11, 13, 14, 19 and 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Miloslavsky (U.S. Patent No. 6,418,146). Claims 1, 2, 4, 5, 10, 11, 13, 14, 19 and 20 have been canceled, thereby obviating this rejection. Withdrawal of this anticipation rejection therefore is respectfully requested.

Obviousness Rejection of Claims 3, 6-9, 12, 15-18 and 21

At page 4 of the Office Action, claims 3 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miloslavsky in view of Borella (U.S. Patent No. 6,587,433). At page 5 of the Office Action, claims 6-8, 15-17 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miloslavsky in view of Newman (U.S. Patent Publication 2002/0022499). At page 6 of the Office Action, claims 9 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miloslavsky in view of Borella and further in view of Newman. Claims 3, 6-9, 12, 15-18 and 21 have been canceled, thereby obviating these rejections. Withdrawal of these obviousness rejections therefore is respectfully requested.

Improper Use of Newman as Prior Art

The present application was filed September 26, 2000 and was not voluntarily published and therefore qualifies as a "Pre PG-PUB" application. As a "Pre PG-PUB" application, the present application is subject to the former version of 35 U.S.C. § 102(e) which provides that

[a person shall be entitled to a patent unless] the invention was described *in a patent granted on an application for patent* by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Former version of 35 U.S.C. § 102(e) (emphasis added).

See also M.P.E.P. § 706.02(a)(8th Ed.)(stating "[w]hen examining any application filed prior to November 29, 2000 which has not been voluntarily published (pre PG-PUB application), for 35 U.S.C. 102(e) to apply: (A) *The reference must be a U.S. Patent* (or SIR) with a filing date earlier than the effective filing date of the application . . .")(emphasis added).

As a published patent application, Newman does not qualify as prior art under the former version of 35 U.S.C. 102(e) applicable to the present application. Moreover, Newman was published after the filing of the present application, so Newman also does not qualify as prior art under 35 U.S.C. 102(a) or 102(b). There also appears to be no basis for asserting Newman as prior art under any of paragraphs (c), (d), (f) or (g) of 35 U.S.C. 102. According, the Applicant respectfully submits that Newman does not qualify as prior art with respect to the present application and therefore was improperly used as a basis for rejecting claims 6-9, 15-19 and 21.

Addition of New Claims 22-42

Claims 22-42 have been added. Support for these new claims may be found in the specification, drawings and claims as originally filed. No new matter is introduced by the addition of new claims 22-42.

Claim 22, from which claims 23-30 depend, recites, in part, the limitations of a portable device comprising a display screen module and a user control module removably attached to the display screen module, where the user control module comprises a radio frequency (RF) transceiver to wirelessly communicate with a base station coupled to a network and a controller to execute an Internet browser application so as to display web page content on the display screen of the display screen module and communicate voice data with the base station via the RF transceiver. Claim 31, from which claims 32-39 depend, recites similar limitations. Claim 40, from which claims 41 and 42 depend, recites, in part, the related limitations of displaying web page content on a display screen module of a portable device when the display screen module is attached to a user control module of the portable device and, in response to a determination that the user control module and the display screen are separated, ceasing the display of web page content on the display screen and communicating voice data between a user of the portable device and a base station wirelessly coupled to the portable device.

The Applicant respectfully submits that the Office Action fails to demonstrate that the *qualified* prior art references disclose or suggest, alone or in combination, each and every limitation recited in claims 22, 31 and 40 and therefore fails to demonstrate that the *qualified* prior art references disclose or suggest each and every limitation recited in claims 23-30, 32-39, 41 and 42 at least by virtue of their dependency on one of claims 22, 31 and 40.

Conclusion

In view of the foregoing, the Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Applicant does not believe that any additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 01-0365.

May 25, 2004
Date

Respectfully submitted,



Ryan S. Davidson, Reg. No. 51,596,
On Behalf Of

J. Gustav Larson, Reg. No. 39,263,
Attorney for Applicant

TOLER, LARSON & ABEL, L.L.P.

5000 Plaza On The Lake, Suite 265

Austin, Texas 78746

(512) 327-5515 (phone) (512) 327-5452 (fax)